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C O N F I D E N T I A L SECTION 01 OF 02 KYIV 000283

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SUBJECT: UKRAINE: RADA MANAGES TO OPEN NEW SESSION AND
ADOPT AN AGENDA, BUT NOT MUCH ELSE

Classified By: Political Counselor Kent Logsdon for reasons 1.4(b,d).

¶11. (C) Summary. The Rada got off to a rocky start on February 5 with more blockading and fistfights, but Speaker Yatsenyuk did manage to close the old session and open the new one as required in the constitution, although the President's planned "state of the nation" address to the Rada was postponed. With support from the coalition and the 20-member strong Lytvyn Bloc, the Rada adopted an agenda that addresses about 20 items, including: a resolution to the NATO MAP question; the creation of committees to investigate the work of Interior Minister Lutsenko and the mayors of Kyiv and Kharkiv; and the elimination of deputy's immunity, as well as a future address of the President. BYuT MPs were the first into the Rada this morning and were able to take up position around the Speaker's chair, giving Yatsenyuk a measure of protection and blocking Regions' efforts to block the rostrum. However, with BYuT and Regions MPs coming to blows, the President decided to postpone his "state of the nation" address and flew to Geneva as planned for the ceremony marking the WTO's invitation for Ukraine to join. During the delayed session, Yatsenyuk conducted a roll call and announced he will dock the pay of approximately 60 MPs who were not present, including some from the coalition. The session was closed for a recess and will not open again until Thursday, according to Regions MPs who, stopped from blockading Yatsenyuk from getting to the dais, are now blockading Yatsenyuk in his office.

¶12. (C) Comment. Coalition MPs have expressed frustration that Regions has now hamstrung the parliament for most of the last month, but there does not seem to be a resolution in sight. The coalition says it is trying to gain a consensus, and Regions may be taking advantage of this to halt work. For its part, Regions continues to insist that the rostrum will be blocked until the Rada passes a resolution formally calling for a referendum prior to Ukraine joining NATO and firing Yuriy Lutsenko as Interior Minister (as a result of his personal "attack" on Kyiv Mayor Chernovetskiy). That Yatsenyuk was able to move forward at all was due in part Lytvyn Bloc voting. He was also helped by BYuT's protection; interestingly, we did not see any OU-PSD MPs, members of Yatsenyuk's own bloc, up on the rostrum. End Summary and Comment.

Blocking the Blockade

¶13. (SBU) According to the constitution, the spring Rada session must be opened on the first Tuesday of February, i.e. February 5, but Party of Regions's blockade over the past few weeks had prevented the official closing of the previous session and put the February 5 events in question. President Yushchenko met with all faction heads on February 4. Afterwards, he told the media that although there was enough on the table for a compromise, he thought that the issues of

NATO and Lutsenko were just a cover for certain forces that do not want the parliament to work. The Rada Coordinating Council (the Speaker, faction leaders, and committee chairmen) also held meetings on the evening of February 4 and the morning of February 5 to try to find a compromise. Yushchenko was also scheduled to give his "state of the nation" address to the parliament -- a speech that was originally scheduled for last December.

14. (C) OU-PSD MP Kulykov told us that an agreement had been reached to start the new session by addressing key issues, including resolution to the NATO/MAP letter controversy and an investigation of the issue of Interior Minister Lutsenko slapping the Kyiv mayor. However, the agreement clearly fell apart before the Rada's 10 am scheduled opening. Nothing happened for almost an hour. Regions entered the chamber and hung banners that read "NATO Will Not Pass" and "Lutsenko--one law for everyone." BYuT, however, had the last laugh, having arrived in the chamber even earlier and staked out the Speaker's dais. When Yatsenyuk came in, the BYuT MPs flanked him. Regions tried to charge the dais, but were pushed back, leading to a brief scuffle. In the end, Regions had to content itself with blocking the rostrum instead and Yatsenyuk was able to close the old session and close the new one. Yatsenyuk also held a roll call to determine who was present. Approximately 60 MPs who did not respond will be docked pay, as authorized by the law on the status of MPs -- some of the coalition was missing, as well as members of the opposition, and all of them will lose a day's pay.

Agenda Adopted, Followed by Recess

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15. (SBU) There was then another long delay, with the rumor circulating that Yatsenyuk was delaying because some coalition members were still missing, depriving them of the majority needed to adopt an agenda and consider pending legislation. Finally, the deputies debated the agenda for the day and passed it with 243 votes in support. All coalition members in the hall voted, plus Lytvyn Bloc. Lytvyn had told the press earlier that day that things in the Rada were going from "bad to worse" -- his bloc's vote continues their record of jumping in at key moments to keep progress moving forward. Regions and the Communists did not participate in the vote.

16. (SBU) On the lengthy agenda are: a vote in support of the MAP letter signed by the President, PM, and Speaker; a discussion of resolutions regarding MAP submitted by Regions and the Speaker; the creation of ad hoc committees to investigate whether the actions of the mayors of Kyiv and Kharkiv and Minister Lutsenko comply with the constitution and law; an amendment to the constitution to remove parliamentary immunity; a presidential draft on the minimum living standard to make its calculation more transparent; changes to health-related legislation; the President's address to the nation; the removal of the heads of several key executive bodies, including the State Property Fund; and some appointments.

17. (SBU) The Rada then went into recess for lunch with the intention to resume in the afternoon. BYuT continued to defend the dais, but Regions changed its tactics and barricaded Yatsenyuk in his office. Regions MP Shufrych announced that the Rada will not open again until Thursday morning, although there has been no official confirmation. The Rada will probably work from the same agenda, although they can amend it. The President's address will also be rescheduled. His spokesperson noted that it would be "postponed until another day."

Accusations Fly, No Compromise Found

¶ 8. (C) At a February 4 dinner for visiting Congressman Robert Wexler, MPs exchanged accusations about why the political gridlock was so hard to break. Regions members Shufrych and Akimova charged that the whole political gridlock was Yushchenko trying to sabotage Tymoshenko by preventing real work from being accomplished and letting her take heat on the NATO MAP letter. In response, coalition MPs accused Regions of using the MAP letter as a pretext to politick and delay work. Regarding Lutsenko, Akimova said that the Minister needed to be dismissed. His presence in the Cabinet was a disgrace and a signal that the new government did not value rule of law. BYuT MP Semerak argued that most Kyivites support slapping Chernovetskiy; the real reason Regions had initially blocked the rostrum was to prevent confirmation votes to key executive branch positions (such as the head of the State Property Fund and the head of the Anti-Monopoly Committee).

¶ 9. (C) Coalition MPs seemed genuinely frustrated, but their desire for broader consensus has not helped alleviate the situation. OU-PSD MP Vakarchuk said they just want an opportunity to work. When we asked PSD's Kulykov if he would fight to protect Yatsenyuk (while BYuT MPs were shielding the Speaker), he shrugged and said probably not. BYuT MP Bilorus told us that it was an artificial blockade and an attempt by the minority to dictate policy. He said they had offered the opposition half the committee chairmen positions and the post of first deputy speaker, and now the opposition felt empowered. The coalition's continued inability to get 226 MPs into their seats in order to set the agenda and pass legislation is also exacerbating the situation.

¶ 10. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
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